

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

- against -

NIKHIL GUPTA, a/k/a "Nick,"

Defendant.

USDC SDNY
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23 CR 289 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On January 4, 2024, Defendant Nikhil Gupta ("Gupta") filed a Motion to Compel Production of Discovery during the pendency of his extradition proceedings in the Czech Republic. (Dkt. No. 11 (the "Motion").) The Government filed a letter response opposing the Motion on January 10, 2024. (Dkt. No. 13 ("Opposition").)

The Court is persuaded by the Government's argument that Gupta has no right to Rule 16 discovery at this time. Federal Rule of Criminal Procedure 16.1 ("Rule 16.1") provides that "[n]o later than 14 days after the arraignment, the attorney for the government and the defendant's attorney must confer and try to agree on a timetable and procedures for pretrial disclosure under Rule 16." Rule 16.1 thus contemplates that discovery need not be produced to defendants until after they have been arraigned, and Gupta has failed to identify any

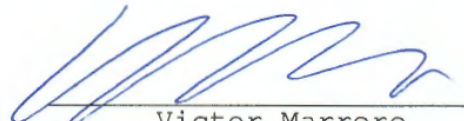
authority suggesting that a defendant has a right to Rule 16 discovery before arraignment.

Gupta has not yet been arraigned in this case, and the Government is currently seeking Gupta's extradition from the Czech Republic to the United States. Moreover, the Government assures the Court that it is "prepared to produce discovery promptly upon the defendant's appearance in this District and arraignment on this case." (Opposition at 1.)

Accordingly, Gupta's Motion is DENIED.

SO ORDERED.

Dated: 11 January 2024
New York, New York



Victor Marrero
U.S.D.J.